

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

v.

TYSON FOODS, INC., et al.

Defendants.

Case No: 05-CV-0329-GKF-SAJ

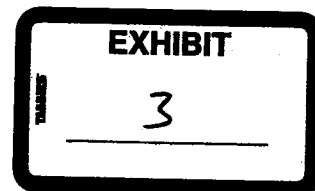
AFFIDAVIT OF BERNARD ENGEL, Ph.D.

I, Bernard Engel, Ph.D., of lawful age, being duly sworn upon oath, state:

1. I hold a Ph.D. in Agricultural and Biological Engineering from Purdue University. Since 1988, I have been a faculty member in the Purdue University Department of Agriculture and Biological Engineering. I am currently Department Head and Professor within this program.

2. I have been retained by the Oklahoma Attorney General as an expert witness for the Plaintiff, State of Oklahoma ("State") in the above-captioned litigation. In particular, I have been asked prepare an expert report containing my opinions and evaluation concerning: the generation and land application of poultry waste within the Illinois River Watershed ("IRW"); and the movement of this waste and its constituents into streams, rivers and groundwater within the IRW and Lake Tenkiller. Per the Court's Scheduling Order, my expert report is due to be submitted to the Defendants by May 15, 2008.

3. The spring is a very busy time of the academic year. In addition to the normal university expectations, I have had a significantly increased workload in (a)



annual personnel evaluation (more than 50 faculty and staff requiring approximately 4 hours each), (b) departmental budget preparation, (c) completion of significant committee activities for the academic year (serve as co-chair for a portion of University accreditation report; serve as chair for School of Industrial Engineering head search), and (d) increased activities at the end of the semester (student exit interviews, student organization banquets, two graduation ceremonies, student receptions). These academic demands have taken me away from my work on the expert report. Indeed, due to my academic responsibilities this spring, my work on the expert report has been unavoidably delayed.

4. For the above-stated reasons, I will need at least an additional week, or seven (7) days, to complete my report.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on the 12th day of May, 2008.

A handwritten signature in black ink, appearing to read "Bernard Engel".

Bernard Engel, Ph.D.